

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:	Michael Scott Mogan)	
)	22 B 01957
)	
	Debtor(s))	Judge David D. Cleary
)	

Notice of Motion & Certificate of Service

Michael Scott Mogan
1800 West Roscoe St, Unit 307
Chicago, IL 60657
Via US Mail

On **March 28, 2022 at 1:00 p.m.** I will appear before the Honorable David D. Cleary, or any judge sitting in that judge's place, and present the Trustee's Motion to Dismiss, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 122 6457 and the passcode is Cleary644. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Certificate of Service

I certify under penalty of perjury that I mailed a copy of this notice to the above listed persons by first class US mail, postage prepaid, or as otherwise indicated above on March 17, 2022 on or before 5:00 p.m.

Marilyn O Marshall, Trustee

/s/ A. Stewart Chapman
By: A. Stewart Chapman

Office of the Chapter 13 Trustee
Marilyn O. Marshall
224 South Michigan
Suite 800
Chicago, IL 60604
(312) 431-1300

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Motion To Dismiss Case for Ineligibility

NOW COMES Marilyn O. Marshall, Standing Trustee, and requests that this case be dismissed as the debtor is ineligible for Chapter 13 relief pursuant to 11 U.S.C. § 109(e), and in support thereof states the following:

1. The debtor filed a petition for relief under Chapter 13 on February 22, 2022.
2. Section 109(e) of the Bankruptcy Code, as amended, provides that only an individual whose unsecured debt does not exceed \$419,275.00, and whose secured debt is less than \$1,257,850.00 may proceed under Chapter 13.
3. According to the debtor's Schedule F filed on March 8, 2022, the debtor's unsecured debts total \$587,351. (Docket #10, page 22).
4. On March 1, 2022, a proof of claim was filed in the amount of \$524,719.60. (Claim #1).
5. At the time of filing, the debtor's schedules show that he is not eligible for Chapter 13 relief. Eligibility must be examined at the time the schedules are filed.¹ See, In re Matter of Pearson, 773 F.2d 751 (6th Cir.1985); In re Robertson, 84 B.R. 109 (Bankr. S.D. Ohio 1988); In re Morton, 43 B.R. 215 (Bankr. E.D. N.Y.1984), Matter of Knight, 55 F.3d. 231 (7th Cir.1995).

WHEREFORE, Trustee prays that this case be dismissed for ineligibility under 11 U.S.C.

¹ These amounts are scheduled to increase for cases filed after April 1, 2022 under 11 U.S.C. §104(a). 11 U.S.C. §104(c) states, "Adjustments made in accordance with subsection (a) shall not apply with respect to cases commenced before the date of such adjustments."

§109(e), and for such other and further relief as this court deems proper.

Respectfully submitted,
Marilyn O. Marshall, Trustee

/s/ A. Stewart Chapman
By: A. Stewart Chapman

Office of the Chapter 13 Trustee,
Marilyn O Marshall
224 S. Michigan, Suite 800
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(312) 431-1300